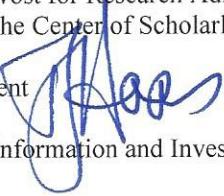




TO: Robert Smart, Vice Provost for Research Administration and Executive Director for the Center of Scholarly and Creative Excellence

FROM: Thomas J. Haas, President 

RE: Confidential Research Information and Investment Act

DATE: August 12, 2013

C: Gayle R. Davis, Provost and Vice President for Academic Affairs
Thomas A. Butcher, University Counsel

From time to time, representatives of the University will engage in research and other activities where it is anticipated that sensitive materials will be received from third parties. The Confidential Research and Investment Information Act (CRIIA) has protections available for sensitive materials provided by private external sources. CRIIA extends the ability of the University to promise confidentiality beyond what is usually allowed by the Freedom of Information Act. Section 3 of the Act (MCLA 390.1553) declares that the following information is exempt from disclosure under the Freedom of Information Act:

Trade secrets, commercial information, or financial information, including that information as it relates to computer hardware and software, that is provided to a public university or college by a private external source and that is in the possession of the public university or college in the performance of a lawful function.

Before the information may be kept confidential, however, the following four conditions must be met:

1. The information must be used exclusively for research, testing, evaluation, and related activities.
2. The third party must clearly designate the information as confidential before or at the time the University receives it. The information cannot be designated as confidential after the University has received it.
3. The University and the third party must enter into an agreement to keep the information confidential.
4. Once the confidentiality agreement is authorized, a document containing a general description of the information to be kept confidential, the term of the confidentiality agreement (the start and end dates), the name of the third party with whom the confidentiality agreement was made, and a general description of the nature of the intended use for the information must be recorded and maintained in a central place and made available to the public upon request. The University Freedom of Information Office maintains these documents and provides them to the public when requested.

Therefore, under the provisions of CRIIA, I hereby designate, the Vice Provost for Research Administration, Robert Smart, to enter into agreements to keep information confidential on behalf of the University provided the requirements of CRIIA are met.

Thomas J. Haas
President